

212/552

RECEIVED
CENTRAL FAX CENTERRemarks

APR 10 2007

Claims 1 - 12 remain pending in the application.

Claim Rejections - 35 U.S.C §102

The Office Action maintains the rejection of claims 1, 5 - 8 and 12 as anticipated by Pecorino et al., Video Display Screen Cover U.S. Patent 5,264,765 (Nov. 23, 1993) under the assertion that Pecorino discloses a mountable television display concealment device capable of exposing a television display, said concealment device comprising "...a rigid planar panel..." The Applicant respectfully traverses the rejection.

The Office Action misapprehends the term "rigid." As a starting point, the Office Action argues that something rigid, "that lacks flexibility" can be arrived at either by composition, or by being restrained in place. As an example, the Office Action offers *Merriam-Webster's Collegiate Dictionary, tenth Edition, Copyright 1997 by Merriam-Webster, Incorporated*, page 1009 as defining rigid as "...having the outer shape maintained by a fixed framework..." It is argued that this definition of "rigid" describes what Pecorino does. This *Merriam-Webster* definition is the 5th (and last) definition of the term rigid. The previous 4 *Merriam-Webster* definitions relate to lack of flexibility as argued by the Applicant. Further, this *Merriam-Webster* definition specifically relates to airships. Applicant has attached printouts from Wikipedia online that illustrate what the term rigid means with regard to airships. A rigid airship is one with a rigid frame containing multiple, non-pressurized gas cells or balloons to provide lift. Rigid airships do not depend on internal pressure to maintain

212/552

their shape. Contrary to the Office Action's assertion, the primary characteristic of rigid is arrived at by composition and not by being restrained in place. The conventional use of the term is understood to relate to a lack of flexibility. As an example, if merely being restrained in place can arrive at the primary characteristic of rigid, then a waterbed or even a tent could be described as rigid. While these structures have rigid features, they are not understood to be rigid. Pecorino does not describe a "rigid planar panel" as claimed by applicant. Therefore, applicant's limitation of a "rigid planar panel" is not anticipated by Pecorino.

The Office Action further argues that Applicant's claims only call the planar panel "rigid" when deployed, and not when manipulated by the attachment means or the pivoting means, which means that all the cover has to be at this stage is "planar". This assertion is also incorrect. Independent claim 1 only claims one panel, that is "...a rigid planar panel with a front face, back face, and two side edges..." The claimed panel as manipulated by the attachment means or the means for pivoting must be rigid because "rigid" is an explicitly claimed limitation. The limitation that the panel be rigid is claimed directly into the claims and does not need to be read in from the specification because it is a specific claim limitation. As argued above, Pecorino fails to disclose a rigid planar panel and means for pivoting the planar panel. Since Pecorino fails to disclose at least one limitation claimed by the Applicant, Pecorino fails to anticipate the Applicant's claimed invention. Therefore, withdrawal of the rejections is respectfully requested.

212/552

RECEIVED
CENTRAL FAX CENTER
APR 10 2007

Claims Rejections - 35 U.S.C. §103

The Office Action maintains the rejection of claims 2 - 4 and 9 - 11 as obvious over Percorino under the assertion that Percorino discloses a concealment device capable of exposing a television display, but fails to disclose use of a mirror, a piece of art work or a white board and that it would have been obvious to one of ordinary skill in the art to modify Percorino to use a mirror, a piece of art work or a white board to serve a decorative function. The Applicant respectfully traverses the rejection.

As discussed above, the "rigid" limitation has not been met. The panel in Percorino is flexible and there would be no suggestion or motivation to combine Percorino for use with rigid panels. The only type of cover disclosed by Percorino is one capable of being "rolled". (see column 2, ll. 31-33). Thus, a cover used with the Percorino device must be capable of being rolled in order to make the device functional. Therefore, the cover cannot be a rigid planar panel because use of a rigid cover would not allow the Percorino device to be operable. Even conceding that blinds come in many forms with rigid components (i.e. wooden), this is not sufficient teaching to make Applicant's device obvious. A stack of blind sections as opposed to a rolled cover is still not "rigid planar panel" and could not be rolled and unrolled about a roller as disclosed in Percorino. Since Percorino fails to teach or suggest use of a rigid panel to cover the display, since there is no motivation to combine or modify Percorino in the manner suggested by the Office Action and since Percorino would be rendered inoperable if modified as suggested in the Office Action, Percorino fails to

212/552

render obvious the Applicant's claimed invention. Therefore, withdrawal of the rejections is respectfully requested.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: April 10, 2007

By:


Niky Economy Syrengelas, Esq.

Reg. No. 46680